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LONG-TERM DISABILITY INSURANCE PLAN and  
Real Party in Interest STANDARD INSURANCE  
COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**PATRICIA BROYLES,**

**Plaintiff,**

**v.**

**A.U.L. CORPORATION LONG-TERM  
DISABILITY INSURANCE PLAN,**

**Defendant,**

**STANDARD INSURANCE COMPANY,**

**Real Party in Interest.**

No. C-07-5305-MMC

**DECLARATION OF JOHN  
BAUMGARDNER IN OPPOSITION TO  
PLAINTIFF'S MOTION FOR DE  
NOVO REVIEW**

Date: August 1, 2008

Time: 9:00 a.m.

Before the Honorable Maxine M. Chesney

1 I, John Baumgardner, hereby declare as follows:


2 1. I am a Supervisor of Insurance Services Group (ISG) Compliance at Standard  
3 Insurance Company ("Standard"). I submit this declaration in opposition to Plaintiff's Motion for  
4 De Novo Review ("Motion"). Except as expressly stated herein, I have personal knowledge of  
5 the matters stated in this declaration and could and would testify competently to them.

6 2. My regular duties at Standard include supervision of the Compliance team which  
7 is responsible for developing new product language, obtaining approvals of new policy language  
8 from state insurance regulators, and reviewing state insurance laws for changes.

9 3. In response to the February 27, 2004 "Notice to Withdraw Approval and Order for  
10 Information" issued by the California Department of Insurance ("Notice"), Standard provided the  
11 California Department of Insurance with a list of policy forms that include discretionary clauses.

12 4. The California Department of Insurance has not withdrawn approval of any  
13 Standard policy form because of the presence of a discretionary clause.

14 I declare under penalty of perjury under the laws of the United States of America that the  
15 foregoing Declaration is true and correct, and that this Declaration was executed on July 10, 2008  
16 in Portland, Oregon.

17  
18  
19   
John Baumgardner